



**TOWN OF TEWKSBURY
CONSERVATION COMMISSION
999 Whipple Road
Tewksbury, MA 01876**

Stanley Folta, Chairman
Anthony Ippolito, Vice-Chair
Sean Czarniecki, Clerk
Stephen Deackoff
Dennis Sheehan

**Meeting Minutes
March 6, 2013**

The meeting was called to order at 7:00 PM at the Tewksbury Town Hall by Stanley Folta, Chairman. Present at the meeting were Anthony Ippolito, Dennis Sheehan, and Sean Czarniecki. Also in attendance was Kyle Boyd, Conservation Agent, and Melissa Johnson, Recording Secretary. Stephen Deackoff was not in attendance.

Approval of Meeting Minutes – February 6, 2013 and February 20, 2013

MOTION: Mr. Czarniecki made the motion to approve the February 6, 2013 meeting minutes as presented; seconded by Mr. Ippolito and the motion carried 4-0.

Mr. Czarniecki noted three minor changes to the February 20, 2013 meeting minutes.

MOTION: Mr. Czarniecki made the motion to table the approval of the February 6, 2013 meeting minutes as amended; seconded by Mr. Ippolito and the motion carried 4-0.

A) Public Meeting, Certificate of Compliance, 2087 Main Street, Gary Brown, Map 84, Lot B, DEP #305-935

Mr. Jeff Ryder of Cuoco & Cormier was present. Mr. Folta noted that the review letter from Mr. Serwatka has been received and the applicant has issued their response. Mr. Folta requested Mr. Ryder review Mr. Serwatka's letter. Mr. Ryder explained that:

- 1) Mr. Serwatka visited the site and has expressed concerns with where the snow is currently being stored as six parking spaces are being lost and it may create a parking issue. The owner has stated that they have not been that busy where parking has been an issue. Mr. Ryder showed the area that Mr. Serwatka would prefer to see the snow stored and explained that the snow will actually receive a little more treatment in its current storage location.
- 2) Mr. Serwatka said that the storm spreader is not shown on the plan. Mr. Ryder noted it is shown on the plans and showed where it is located.

- 3) Mr. Serwatka expressed concerns with grading. Mr. Ryder explained that the project is in substantial compliance with the original plans. Some of the elevations are not quite what were shown on the design plans. Mr. Ryder noted that these changes will not affect the runoff or treatment. Mr. Folta asked how much the elevations deviate from the original. Mr. Ryder probably approximately less than 2 to 4 inches.
- 4) Mr. Serwatka noted that the design plans all have straight contour lines and this is not reflected on site. Mr. Ryder explained that the contours are such that the water will flow through the filter strip.
- 5) Mr. Serwatka noted that the original plans had a fence along the edge of the parking lot that was supposed to be wood piles with ropes and it has not been installed. Mr. Ryder explained that a row of boulders has been installed and is noted on the plan.
- 6) Mr. Serwatka noted that there are a couple of areas that are not vegetated. Mr. Ryder noted that a majority of the area within the buffer zone is vegetated. Mr. Ryder explained that in one area, the dirt was brought in when the paving was completed and there is significant distance from the dirt to the silt fence. In another area, they have not been able to finish the handicap ramp and curbing due to the weather and this is why that area has not yet been stabilized. This falls within the Planning Board's jurisdiction. The plan is to finish these areas once the weather is suitable.

Mr. Folta noted that there is one spot shown in the pictures of the secondary entrance way that has not been addressed and asked if there is an issue. Mr. Ryder explained that this is where the handicap ramp will be installed. This particular ramp is being installed based on State requirements and will not lead to anywhere.

Mr. Ryder explained that both Mr. Serwatka and Mr. Czarniecki had raised the issue that under the original plan there was an overflow that ran from the golf course down to the rear of the property. This was intended to be an emergency overflow in the event of a heavy rainstorm. Mr. Ryder showed the direction in which the water will flow in the plans. By reducing the footprint of the golf course, some of the elevations have been changed and there is no longer a need to install the swale.

Mr. Czarniecki noted that he still feels that the project is not quite complete and feels the Commission should wait a little longer until the area is fully stabilized.

Mr. Folta noted that he visited the site today and a majority of the areas have been stabilized.

Mr. Ippolito noted that he also visited the site and had some difficulties due to the snow. The areas Mr. Ippolito was able to access appear to be in order.

Mr. Boyd noted that he spoke with Steve Sadwick, Director of Community Development, and was informed that storm water is also reviewed by the Planning Board and they are the higher authority on storm water review unless it is within a buffer zone. Mr. Boyd noted that he has no issues so long as there is no more work done in the buffer zones and no alterations are made to the resource areas. Mr. Boyd suggested releasing the bond contingent upon the

Planning Board's approval. Mr. Ryder noted they will be requesting a partial release from the Planning Board. Mr. Folta explained that the Commission will grant a full release once the Planning Board has issued their partial release. Mr. Ryder suggested issuing a partial certificate of compliance and retaining 10% of the bond; which would only leave \$1,000.00 remaining. Mr. Folta noted that he does not feel \$1,000.00 is sufficient and recommended 25%. Mr. Ryder agreed. The remainder of the bond is to remain in place until the entire site has been stabilized.

MOTION: **Mr. Ippolito made the motion to grant a Certificate of Compliance, 2087 Main Street, Gary Brown, Map 84, Lot B, DEP #305-935, 25% of the \$10,000.00 bond shall be held until the Planning Board has approved the entire project; seconded by Mr. Sheehan and the motion carried 3-1. Mr. Czarniecki was opposed.**

B) Public Hearing, Notice of Intent, 121 Pond Street, Diane LeBoeuf, Map 31, Lot 1, DEP #

Mr. Sheehan recused himself and left the room.

Ms. Diane LeBoeuf of 121 Pond Street was present. Ms. LeBoeuf noted that she would like to make her deck larger and add a sunroom. Mr. LeBoeuf was before the Commission in June, 2011 to add a kitchen addition; however, because it was so close to the buffer zone she has changed this so that there will be less of an impact on the resource area. The proposal is for a 14x20 deck and an addition of 14x16. The closest point of encroachment is 27 feet into the resource area.

Mr. Folta asked if a foundation will be installed for the addition. Ms. LeBoeuf explained that it will all be on sonar tubes and will be done by hand.

Mr. Czarniecki noted that he visited the site and there is a couple of Christmas trees in the 25 foot no disturb and should be removed. Mr. Czarniecki requested the 25 foot no disturb area be marked out. Mr. Folta suggested Bernstein markers be installed and remain in perpetuity. Mr. Folta suggested Ms. LeBoeuf speak with Mr. Boyd on this.

Mr. Folta explained that because the DEP number has not been issued, this matter will have to be continued to the next meeting on March 20, 2013 at 7:02 p.m.

Mr. Folta opened the hearing to the public and no one came forward.

MOTION: **Mr. Czarniecki made the motion to continue Notice of Intent, 121 Pond Street, Diane LeBoeuf, Map 31, Lot 1, DEP #, to March 20, 2013 at 7:02 p.m.; seconded by Mr. Ippolito and the motion carried 3-0.**

New Business

Mr. Boyd explained that he and Mr. Ippolito have had conversations through the Educational Subcommittee regarding involving some students to educate them on wetlands, etc. Mr. Boyd has reached out the principal at the Ryan School and is awaiting a call back.

Mr. Boyd noted that he attended the MACC conference and obtained a great deal of information. Mr. Boyd welcomed anyone to stop by his office if they would like to review some of the documentation.

Old Business

There was no old business.

Adjournment

MOTION: Mr. Czarniecki made the motion to adjourn; seconded by Mr. Ippolito and the motion unanimously carried 4-0.

Respectfully submitted,

Approved: 
Sean Czarniecki, Clerk

7/8/13
Date